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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 18, 2006

Date of Meeting: February 28, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:43 p.m. on Tuesday, February 28, 2006, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Scott Richards, Calvary Christian Fellowship of Tucson.

Flowing Wells High School JROTC presented the flags of the United States of America and the State of Arizona and Cadet Captain Murrick led the assembly in the pledge of allegiance.

### **Presentations**

- a. Mayor Walkup presented copper letters to Emily Clarke, Janice Byrd, Rebecca Bossardet, and Tamara McAllister, Pima County teachers who received the “Rodel Exemplary Teacher Initiative Award.”
- b. Mayor Walkup presented copper letters to Fernando J. Rabago, Alice L. Dotson, David Martinez, and Michael G. Luckie, the Sun Tran “Distinguished Employee Team of 2005.”
- c. Mayor Walkup and Council Member Trasoff presented a copper letter to Roger Harwell, Nina Daldrup, and Jim Lubinsky of the Rotary Club of Tucson for its commitment to the Rotary Reading Seed Center.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager’s communication number 86, dated February 28, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member Scott thanked everyone who attended the Regional Transportation Authority Plan Town Hall she hosted with Pima County Supervisor Ray Carroll. She stated that Pima County Manager Chuck Huckleberry was at the town hall to answer questions about the 1997 bond projects and how they were related.
- b. Vice Mayor Leal expressed relief and thanks that the Mayor and Mrs. Walkup were not seriously injured during the runaway horse incident at the Fiesta de Los Vaqueros parade. Vice Mayor Leal commended the driver of the wagon, stating he did an amazing job controlling the horses.
- c. Council Member West announced the thirtieth Anniversary luncheon of the Pima County Women’s Commission would be held at the Manning House on

March 8, 2006. Council Member West also announced that she would be hosting a tour of the Bonanza and Speedway Archeological site on March 3, 2006. Additionally, she said that Ward 2 would be leading a water quality tour of the Sweetwater Wetlands, Hayden-Udall Treatment Plant, and view of the water quality lab on March 4, 2006.

- d. Council Member Trasoff expressed her thankfulness that the Mayor and Mrs. Walkup were safe and commended the driver of the wagon at the Fiesta de Los Vaqueros Parade. She thanked everyone who attended the Ward 6 open house, which included an art exhibit of local artists. The art exhibit would continue to be on display for another month. The Ward 6 office would be open from 9:00 a.m. to 5:00 p.m. Monday through Friday.
- e. Mayor Walkup thanked the Council for their comments. He also thanked the driver of the wagon for doing exactly what he was supposed to do during the Rodeo parade; his disciplined actions saved lives. Mayor Walkup also commented on what a successful month it had been in Tucson, with the Rodeo, Gem and Mineral Show, and the upcoming Spring Training events. He spoke about the recent announcement that the World Match Play Golf Championship would be moving from California to Tucson and what a great benefit it would be to the community.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 87, dated February 28, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events and asked if there were any reports.

There was no report.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 85, dated February 28, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

##### **b. New License**

- 1. Belushe's Bar & Grill, Ward 6  
1118-20 E. 6th St.  
Applicant: Maria Socorro Vargas De Limon  
Series 12, City 02-06  
Action must be taken by: March 6, 2006  
Staff has indicated the applicant is in compliance with city requirements.

2. Saigon Cafe Restaurant, Ward 6  
4210 E. Speedway  
Applicant: Betty Ann Scott  
Series 12, City 05-06  
Action must be taken by: March 13, 2006  
Staff has indicated the applicant is in compliance with city requirements.
3. Pizzazz! Pizza Bistro, Ward 3  
1763 E. Prince Rd.  
Applicant: Seth Peter Holzman  
Series 12, City 06-06  
Action must be taken by: March 18, 2006  
Staff has indicated the applicant is in compliance with city requirements.
4. Birrieria El Oso, Ward 5  
4401 S. 6th Ave.  
Applicant: Jose D. Gonzalez Casteñeda  
Series 12, City 08-06  
Action must be taken by: March 20, 2006  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Protest filed  
Considered separately

#### Person Transfer

5. Belushe's Bar & Grill, Ward 6  
1118-20 E. 6th St.  
Applicant: Maria Socorro Vargas De Limon  
Series 07, City 03-06  
Action must be taken by: March 6, 2006
6. Comfort Suites of Tucson, Ward 2  
7007 E. Tanque Verde Rd.  
Applicant: Jaiprakashkumar C. Patel  
Series 06, City 04-06  
Action must be taken by: March 11, 2006  
Staff has indicated the applicant is in compliance with city requirements.

#### Person/Location Transfer

7. Stogie and Vine, Ward 2  
2920 N. Swan Rd. #114  
Applicant: Jeffrey Jon Parker  
Series 06, City 01-06  
Action must be taken by: March 5, 2006  
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Southern Arizona Homebuilders Association, Ward 6  
1303 University Blvd.  
Applicant: Tony Mellor  
City T119-05  
Date of Event: April 27, 2006  
Raise Funds to Benefit the Arizona Arthritis Center  
Staff has indicated the applicant is in compliance with city requirements.
2. Kokopelli Winery, Ward 6  
536 N. 4th Ave.  
Applicant: Dennis Michael Minchella  
City T122-05  
Date of Event: March 24-26, 2006  
4th Avenue Street Fair  
Staff has indicated the applicant is in compliance with city requirements.
3. Kokopelli Winery, Ward 6  
536 N. 4th Ave.  
Applicant: Dennis Michael Minchella  
City T123-05  
Date of Event: December 8-10, 2006  
4th Avenue Street Fair  
Staff has indicated the applicant is in compliance with city requirements.
4. St. Patrick's Day Parade of Tucson, Ward 1  
101 N. Stone Ave.  
Applicant: Andrew Jacob Brown  
City T04-06  
Date of Event: March 18, 2006  
Promote and Celebrate Irish Culture and Heritage  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

There were no agent changes scheduled for this meeting.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b3, 5b5 through 5b7, and 5c1 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. New License

4. Birrieria El Oso, Ward 5  
4401 S. 6th Ave.  
Applicant: Jesus D. Gonzalez Casteñeda  
Series 12, City 08-06  
Action must be taken by: March 20, 2006  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Protest filed

Kathleen S. Detrick, City Clerk, announced Item 5b4, a request for a new license, would be considered separately. The license had protests filed and was located in Ward 5. Staff indicated the applicant was in compliance with City requirements.

Vice Mayor Leal requested the applicant approach the podium with Susie Rogers, translator.

Vice Mayor Leal asked if the applicant had met with the protestors or the area neighborhood.

Jose Gonzalez, applicant, replied he had not.

Vice Mayor Leal asked if Mr. Gonzalez was aware of the protest that was filed against their application and the basis of the protest.

Mr. Gonzalez responded affirmatively.

Vice Mayor Leal asked if there were any comments about the application or responses to the protests that had been filed that Mr. Gonzalez would like to make.

Mr. Gonzalez stated he submitted the application for a liquor license at the request of his patrons. He said he wanted to be clear that because of the hours of operation, he was not putting in the request to operate as a bar. This was to satisfy his clientele. The operating hours were from 8:00 a.m. to 5:00 p.m. Both he and his wife worked at the restaurant and they had four children. They had worked very hard and if the Council had any questions they would be happy to answer them.

Vice Mayor Leal asked if Mr. and Mrs. Gonzalez understood the basis of the protests from the adjacent neighborhoods.

Mr. Gonzalez responded he understood protests were made, but he did not realize they were neighbors.

Vice Mayor Leal explained throughout the community, but in particular in the south side, the issue of a concentration of licenses in certain geographic areas had come to be understood to have a collection of social and urban problems. The State required that to grant a new license, it had to be based on convenience. The data the Council was given and that the neighbors were responding to showed there were forty licenses existing in a one-mile circle and so convenience was not an issue to be satisfied because there was no inconvenience. Vice Mayor Leal said he was delaying making a motion to allow Mrs. Rodriguez from the neighborhood to speak, then he would allow the applicant to respond. Vice Mayor Leal said he wanted to lay out the Council's historical basis of concern regarding liquor licenses.

Lupe Rodriguez, representing the Fairground Neighborhood Association, said some of the executive board members were in attendance. Mrs. Rodriguez said they were very concerned about the application because, aside from being over-saturated with licenses in the area, she said the applicant had not shown the capability, reliability and qualifications required in answering the questions that were put before him in the application. On page seven, the applicant was supposed to list the liquor applications in a one-mile radius and he listed six and she had counted over twenty just roaming around the neighborhood.

Mrs. Rodriguez said the applicant failed to name Van Buskirk Elementary School, which was about eight blocks away, yet he put Hollinger Elementary School and Saint John the Evangelist School as the closest schools and listed them fifteen miles away, which she said was not correct. Mrs. Rodriguez said the application stated the applicant had read the application and the contents of the application and that all the statements were true, correct and complete. They did not feel that statement was correct in this application. She said the applicant had left out a lot of information including he was at one time arrested and put on probation. Later, the Association did receive an amendment, but at the very beginning the application did not show the arrest.

Mrs. Rodriguez said Vice Mayor Leal had already mentioned this was a new license and the burden of proof was on the applicant to show it was convenient for the neighborhood. She said they already had a tight parking situation where the applicant was located and if he was going to close at five o'clock, it was fine, but they did not know how it would be later on. The street off Sixth Avenue was very crowded and right next to his location was a Four Star Liquor Store, which the applicant did not mention on the application, and it had a lot of traffic. It was a drive-through and had traffic all day and all night. She said they were concerned about the impact it would have on the people who had the side of their house and the back of their house toward this building. She said they hoped the Council would take everything into consideration.

Vice Mayor Leal thanked Mrs. Rodriguez and asked Mr. Gonzalez to return to the podium.

Mrs. Gonzales said in response to Ms. Rodriguez's comment regarding the Four Star Liquor, that there was one next to the their location, however they were purchasing the store and had given the current owner a year to work there and then he would move. They were going to take over the location.

Vice Mayor Leal stated that was not a reason to exclude it from the data the application required.

Mr. Gonzalez said they were not present to demand a license, but they were there because they had been in their business for three years and it was the clients who were asking them. At this time when clients came to them, they told the customers to go next door to buy liquor and return with the liquor to their property.

Mr. Gonzalez said he did not want any problems with the police or with anyone. That was why he submitted the application and he did not realize it would be so complicated. If he offended anyone, it was not intentional.

Vice Mayor Leal thanked Mr. Gonzalez and explained when the Council judged the appropriateness of the license, they could not just look within the four walls of the business or the property. They had to look within the context in the community that the license and business would exist in. So for the reasons Mrs. Rodriguez gave, that he thought were important and valid, but mainly for the saturation issue he thought it required the Council to send a recommendation for denial to the State. He said it was not in any way a disrespect toward the Gonzalez family, toward the hard and good work they had pursued and done in their business, it was just the circumstances in the area really required them to come this conclusion.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0 that liquor license application 5b4, Birrieria El Oso be forwarded to the Arizona State Liquor Board with a recommendation for denial.

## **6. CONSENT AGENDA – ITEMS A THROUGH N**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made part of the record. He asked the City Clerk to read the Consent Agenda

### **A. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE JOINT-USE OF RECREATIONAL FACILITIES AT MILES EXPLORATORY LEARNING CENTER**

1. Report from City Manager FEB28-06-82 WARD 5



2. Resolution No. 20286 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for the renovation, maintenance, and joint-use of recreational facilities at Miles Exploratory Learning Center; and declaring an emergency.

Item A was considered separately at the request of Vice Mayor Leal.

B. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE REGULATION OF MASSAGE ESTABLISHMENTS

1. Report from City Manager FEB28-06-92 CITY-WIDE
2. Ordinance No. 10251 relating to business regulation; amending the Tucson Code, Chapter 7, Businesses regulated, Article VII, Massage Establishments, Section 7-130, Statement of intent by exempting hospital and medical service corporations from the provisions regulating massage establishments; and declaring an emergency.

C. ASSURANCE AGREEMENT: (S04-179) EMPIRE HEIGHTS SUBDIVISION, LOTS 1 TO 241 AND COMMON AREAS “A” AND “B”

1. Report from City Manager FEB28-06-95 WARD 4
2. Resolution No. 20287 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-179 of a final plat for the Empire Heights Subdivision, Lots 1 to 241 and Common Areas “A” – “B”; and declaring an emergency.

D. FINAL PLAT: (S04-179) EMPIRE HEIGHTS SUBDIVISION, LOTS 1 TO 241, AND COMMON AREAS “A” AND “B”

1. Report from City Manager FEB28-06-83 WARD 4
2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

E. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA STATE PARKS FOR THE ARIZONA SITE STEWARD PROGRAM

1. Report from City Manager FEB28-06-93 CITY-WIDE

2. Resolution No. 20288 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the city of Tucson and Arizona State Parks for participation in the Arizona Site Steward Program for monitoring of archaeological parks owned by the city; and declaring an emergency.
- F. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM IDENTIFICATION MARKINGS
1. Report from City Manager FEB28-06-81 CITY-WIDE
  2. Resolution No. 20289 relating to city vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain city motor vehicles from the requirement that they bear the designation of the City of Tucson; making this exemption effective from February 27, 2006 through and including February 26, 2007; and declaring an emergency.
- G. ASSURANCE AGREEMENT: (S05-003) CIVANO NORTH RIDGE SUBDIVISION, LOTS 1 TO 32, 34 TO 79 AND COMMON AREAS "A", "B", AND "C"
1. Report from City Manager FEB28-06-97 WARD 4
  2. Resolution No. 20290 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-003 of a final plat for the Civano North Ridge Subdivision, Lots 1 to 32 and 34 to 79 and Common Areas "A" – "C"; and declaring an emergency.
- H. FINAL PLAT: (S05-003) CIVANO NORTH RIDGE SUBDIVISION, LOTS 1 TO 32, 34 TO 79 AND COMMON AREAS "A", "B", AND "C"
1. Report from City Manager FEB28-06-90 WARD 4
  2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- I. ASSURANCE AGREEMENT: (S04-120) DESERT SHADOWS SUBDIVISION, LOTS 1 TO 12 AND COMMON AREA "A"
1. Report from City Manager FEB28-06-96 WARD 3

2. Resolution No. 20291 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-120 of a final plat for the Desert Shadows Subdivision, Lots 1 to 12 and Common Area "A"; and declaring an emergency.
- J. FINAL PLAT: (S04-120) DESERT SHADOWS SUBDIVISION, LOTS 1 TO 12 AND COMMON AREA "A"
1. Report from City Manager FEB28-06-84 WARD 3
  2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- K. WATER: AGREEMENT WITH B.K.W. FARMS, INC., FOR GROUNDWATER SAVINGS PROJECTS
1. Report from City Manager FEB28-06-99 OUTSIDE CITY
  2. Resolution No. 20292 relating to water; authorizing and approving an Agreement between the City of Tucson and B.K.W. Farms, Inc., for a Groundwater Savings Project; and declaring an emergency.
- L. APPROVAL OF MINUTES
1. Report from City Manager FEB28-06-91 CITY-WIDE
  2. Approval of minutes for the regular meeting of the Mayor and Council held on January 24, 2006.
- M. ENVIRONMENTAL SERVICES: LOW INCOME ASSISTANCE PROGRAM FOR RESIDENTIAL ENVIRONMENTAL SERVICE FEES
1. Report from City Manager FEB28-06-104 CITY-WIDE
  2. Resolution No. 20295 relating environmental services; authorizing and approving amendments to the "Requirements and Schedules for Refuse Service Charges and Fees"; establishing a Low Income Assistance Program for residential refuse fees; establishing an effective date for the program; and declaring an emergency.

Kathleen S. Detrick, City Clerk, read into the record a revision to item M. On Attachment A to Resolution No. 20295, Section 2.1.1, Item 1, the third line previously said “Program Eligibility levels will be adjusted in July of each year to reflect the changes in federal levels.” This line has been amended to read “Program Eligibility levels will be adjusted each year to reflect the changes in federal levels.” Therefore it was not restricted to July.

N. EMPLOYEES’ COMBINED APPEAL PLAN: ADOPTION OF POLICY PROHIBITING DISTRIBUTION OF EMPLOYEE DONATIONS TO ORGANIZATIONS THAT DISCRIMINATE

1. Report from City Manager FEB28-06-102 CITY-WIDE
2. Resolution No. 20293 relating to the Employees’ Combined Appeal Plan; extending City’s nondiscrimination policy to Employees’ combined Appeal Plan (ECAP); and declaring an emergency.

Item N was continued at the request of Council Member Uhlich.

It was moved by Council Member West, duly seconded, that Consent Agenda Items B through L, Item M as amended, with the exception of Item N, which would be continued and Item A, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Items B through L, Item M as amended, with the exception of Item N, which would be continued and Item A to be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEMS A THROUGH N

A. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE JOINT-USE OF RECREATIONAL FACILITIES AT MILES EXPLORATORY LEARNING CENTER

1. Report from City Manager FEB28-06-82 WARD 5

2. Resolution No. 20286 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for the renovation, maintenance, and joint-use of recreational facilities at Miles Exploratory Learning Center; and declaring an emergency.

Vice Mayor Leal commented on the need for neighborhood parks that were user friendly and had adequate resources. For the past year, he had been working with Supervisor Ramón Valadez and the Tucson Unified School District at Miles Exploratory School, which is in the Broadway and Campbell area. The various neighborhoods, school district, County, and City staff had developed a plan to modify the school ground to be not only a better school ground, but a nice community park in the inner city for a collection of neighborhoods that did not have any parks close by. Others had done things like this in the past and the City would like to do more things like this in the future. It was not easy work because of all the details. Vice Mayor Leal thanked everyone involved with the project.

It was moved by Vice Mayor Leal, duly seconded, that Consent Agenda Item A be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Item A was declared passed and adopted by a roll call vote of 7 to 0.

## **7. CALL TO THE AUDIENCE**

Kathleen S. Detrick, City Clerk, announced the names of individuals who the Mayor would allow to speak during Items 11 and 12 on the agenda. The individuals were Mary Beth Savel, Paul Schloss, Doug Wright, and Brian Toms.

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for fifteen minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Nikia Fico, Save Tucson's Elephants, requested that the City Council place the issue of having Reid Park Zoo transfer their elephants to the Elephant Sanctuary in Tennessee on a Mayor and Council Agenda. She spoke of an offer from the Sanctuary indicating they would accept and move the elephants for free. She cited a copy of a letter from David Hancox, former director of the Arizona Sonoran Desert Museum, which explained why elephants were not suited for small enclosures and why the expansion project was not feasible.
- b. Mike Carter, Executive Director of Tucson Zoological Society, stated there was no need to reconsider the issue. Mayor and Council voted unanimously in favor of keeping the elephants and building a larger enclosure and he was in support of that motion. He detailed the large membership of the Society and offered to help in funding strategies.
- c. Marguerite Bryan spoke in support of relocating the elephants to the sanctuary in Tennessee.
- d. Colleen Whealdon-Haught spoke in support of relocating the elephants to the sanctuary in Tennessee.
- e. Marge Abens spoke in support of relocating the elephants to the sanctuary in Tennessee.
- f. Colleen Dugan requested that the Mayor and Council schedule this on their agenda. She felt that taxpayers did not want their dollars used on the Zoo expansion project. She read excerpts from the letter from David Hancox, former director of the Arizona Sonoran Desert Museum, which stated that taking care of elephants was beyond the abilities of the zoo.
- g. Maria Nasif spoke in support of relocating the elephants to the sanctuary in Tennessee.
- h. Sioux Komoroski spoke in support of relocating the elephants to the sanctuary in Tennessee.
- i. Jim Scorzafave spoke in support of relocating the elephants to the sanctuary in Tennessee.
- j. Janine Curtis spoke in support of relocating the elephants to the sanctuary in Tennessee.
- k. Kristen Drumm spoke in support of relocating the elephants to the sanctuary in Tennessee.
- l. Tom Abens spoke in support of relocating the elephants to the sanctuary in Tennessee.

m. Michael Toney spoke regarding Proposition 400 and the University of Arizona Science Center.

**8. PUBLIC HEARING: ZONING (C9-75-04) DECONCINI – SPEEDWAY BOULEVARD, C-1 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN**

Kathleen S. Detrick, City Clerk, announced that Ernie Duarte, Director of Development Services, provided updated protest information, which brought the protest level below the requirement for a three quarter vote. The Council would only be required to have a simple majority vote.

Mayor Walkup announced City Manager's Communication number 98, dated February 28, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed changes to rezoning conditions and the preliminary development plan for the property located on the northeast corner of Speedway Boulevard and Harrison Road.

Mayor Walkup asked if the applicant or representative was present and if they had any comments to make before opening the public hearing.

Mike Grassinger, representing The Planning Center, stated they were agreeable to the recommendations and conditions of the staff report. He said he would be happy to answer any questions.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He called on the first speaker.

Vivian May stated she lived on the corner lot across from the proposed development. She said she appreciated that Mr. Campbell, the developer, changed some conditions in regard to what would happen to the land. She had been a resident of Tucson for over thirty years and at her present location for many years. She hoped the Council realized people did not like all the growth in their back yard. Ms. May had several concerns about what was happening in her neighborhood. She understood that something had to go in and was glad it was not a supermarket or a Burger King. One concern was the traffic and the other was the water basin. She said she understood there had not been a traffic analysis done. She had spoken to Council Member West regarding those concerns.

Ms. May commented that Harrison Road, north of Speedway seemed to be a “run free - do whatever you want” until one was at the corner. She saw a child get hit by a car in front of her house. She had also seen multiple accidents and records would show there were a growing number of accidents at that corner. Her concern was the access point of the new development. Since Walgreens was put in, there had been an increase in traffic

going onto Harrison Road. She said she could not think of a better entrance place north of there to get into the development, but she continued to be concerned with the impact of traffic in that area. Ms. May requested that the neighborhood be notified as to what happens after the traffic analysis, because they were a very active neighborhood and many of them had lived there a long time. She stated she would like to give some input after the traffic analysis was done if that was possible.

Ms. May said the second issue was the water basin and drainage. Her concern, from her experience with Walgreens, was the water basin behind the store. When it rained the water was high and did not absorb into the ground fast enough. The water stayed above ground and created breeding grounds for mosquitoes. She considered it a health hazard. Being that another water basin would be going in right across the street from where she lived and she was an original homeowner, she felt it was asking a lot if there were going to be continued problems with the water basin. How would one insure that it would not be a problem for the neighbors that lived down hill from the site? She understood that the water issue was big with the City. It would come up again and she would be back when someone purchased the land directly behind her, because it was already a problem with the neighbors next to the site. She asked the Council to take her comments into consideration.

Michael Toney commented he had urged everyone to vote for Nina Trasoff and Karin Uhlich if they were concerned with preserving the Sonoran desert. Mr. Toney said he felt there was a concern for conservation of the natural terrain that was there before and the issues of water run off were still being worked on. He was aware the Landscaping Committee was still working on these types of issues. There was a problem again with the disappearance of the urban Sonoran desert. He thought on that site there would be a tree for every other lot. It had been going on over and over again and it degraded the water quality and it also degraded the air quality when the vegetation was knocked down and there was more traffic.

Mr. Toney said safe by design again was in the report. He thought there were concerns and he would encourage more communication with the people that lived there and the developer. He stated if the Council kept building at a rate of two percent, in thirty-five years the population would double.

Mayor Walkup asked if anyone else wished to address the Council on this issue. There was no one.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10253 by number and title only.



Ordinance No. 10253 relating to zoning: amending rezoning conditions in the area located on the northeast corner of Speedway Boulevard and Harrison Road in Case No. C9-75-04, DeConcini – Speedway Boulevard, C-1 zone; and declaring an emergency.

Council Member West said she concurred with Vivian May's comments and wanted them to go on the record. She agreed traffic in that area had become quite heavy because of development in the area. If there was any kind of an analysis to be done, she asked that Mr. Campbell work with the neighborhood on that as well as on the water detention basin, because there was no need for more mosquitoes in that particular area. She complimented Mr. Campbell on the time he had spent with the neighborhood and had done a very good job. She told Mr. Grassinger that as the project goes forward, she hoped there would be some additional work with the neighborhood and asked if that was correct.

Mr. Grassinger responded that was correct and they would forward the traffic analysis and the hydrology design to the neighborhood in accordance with the City's requirements.

Council Member West stated another condition she would like to add would be to fix the curb where Harrison Road became Wrightstown. However, she added that would be a dream that she could not possibly achieve, so she would not do that.

Council Member West stated in regards to old rezoning cases, like this one from 1978 with signatures of Lew Murphy, Joel Valdez, and Don DeMent, those were strong voices out of the past, but she asked what that had to do with today, 2006. In this case Council was able to resolve it. She stated that during the break she asked Mike Rankin, City Attorney, to bring something to a Mayor and Council Study Session so they could take care of the issue because it was extremely misleading to see twenty-five written protests when there were, in fact, only three. It clouded the issue.

Council Member West stated the other error she saw in the material was the ordinance for the shopping center on March 20, 1978. She did not know what happened to the sixteen ensuing years, but that building did not occur until 1994. She was an aide at that time and worked on that issue. The neighborhood was very unhappy with the shopping center, but it went forward. The neighborhood saw that development, which was single family homes, as a much better option. Mr. Campbell did work with Ms. May and her neighbors on the configuration of the two story homes.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10253.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10253 was declared passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1 AND I-2 TO C-2 AND I-1, REQUEST FOR TIME EXTENSION, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JANUARY 18, 2006)**

Mayor Walkup announced City Manager's Communication number 100, dated February 28, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a five-year time extension for property located north of Interstate 10, on the east side of Rita Road and south of the Julian Wash.

Mayor Walkup asked if the applicant or representative was present and had any comments before opening the public hearing.

Mike Grassinger, representing The Planning Center, stated they were in agreement with the recommendations of City staff and City Manager.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He called on the first speaker.

Michael Toney asked if he could refer back (to Item 8) and thanked Council Member West for clarifying the twenty-five signatures. It looked like it was about one fifth of the area would be ground cover again. The situation with run off and the fact that he thought the policy did not exist for dealing with these fragments that came through month after month for a more larger scope policy to deal with questions of water, air quality, and growth. The idea of putting a cap on growth was something that was going to either happen as a result of the natural cataclysm or they could decide to do it themselves and keep a harmonious balance.

Mayor Walkup asked if there was anyone else wishing to address the Council on this issue. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10255 by number and title only.

Ordinance No. 10255 relating to zoning: amending Ordinance No. 9626 to extend the period of compliance from October 23, 2005 to October 23, 2010 for the area located on the east side of Rita Road north of Interstate 10 in Case No. C9-00-23, Rita 244 LLC – Rita Road, I-1, I-2, and RX-1 to C-2 and I-1, and declaring an emergency

It was moved by Council Member Scott, duly seconded, to approve the request as presented by staff and pass and adopt Ordinance 10255.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10255 was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; REGARDING PAYDAY LENDING AND OTHER SIMILAR FACILITIES**

Mayor Walkup announced City Manager's Communication number 94, dated February 28, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed amendments to the *Land Use Code*, to control concentrations of payday lending facilities within the City limits. The public hearing was scheduled to last no more than one hour and speakers would be limited to five minute presentations.

Kelly Griffith, representing the Southwest Center for Economic Integrity, stated she would read a prepared statement and would answer questions after her statement.

Ms. Griffith read that the passage of Senate Bill 1266 in the year 2000 carved out a safe harbor for the payday lending industry to circumvent the state's small loan interest rate cap of thirty six percent APR. Southwest Center for Economic Integrity was commissioned to study local effect of the state's action. The findings of their report released in December 2003 conservatively estimated that in 2002 four hundred and thirty thousand transactions resulting in twenty million dollars in fees, not loans, fees charged on loans, were being extracted from Tucson and Pima County. In 2002 there were seventy-eight licensed payday lenders doing business in Tucson and Pima County. In May 2005 there were one hundred thirty payday lenders.

Ms. Griffith said according to surveys and maps those fees were being extracted from the very neighborhoods where the City of Tucson invests federal Community Block

Development Grants dollars. In addition, some of the heaviest concentrations of payday lenders were located within the three-mile radius of Davis Monthan air Force Base. The number of payday loan locations near the Base nearly doubled in 2004 from twenty-three to the year 2005 to forty-six. Studies indicated that nationwide trend that there was irrefutable geographical evidence demonstrating in the payday lending aggressively target members of the military and their families. The Department of Defense has listed payday lending as one of the top ten issues affecting the quality of life of members of our military. Some critics would argue that regulating pay day lenders through the use of the *Land Use Code* amendments was not an effective strategy. However, there were over forty cities and municipalities around the country that decided to do exactly that. This was indeed a state regulatory issue; however, it was a local issue. It was the responsibility of local leaders to use whatever tools were available to them to protect the economic health and welfare of the community.

Ms. Griffith went on to say the industry wanted the public to believe that free market was the best form of regulation. They would argue that land use restrictions would cut down on competition. They knew that was not the case. The legal term for what actually occurs was called ‘necessitist borrowing’. A necessitist borrower did not have the same bargaining power others had. They could shop around for better rates. For example, in Illinois when they had no rate caps, the payday lenders charged interest in excess of one thousand percent APR. The industry would say they were good for Tucson. Payday lending was a classic example of an industry that create multiply or leakage for most places. The capital that could be circulated within the local economy would be lost to outside interests. A vast majority of payday lenders were national corporations not based in Tucson. There were seven publicly traded payday lender corporations. Four of the seven had franchises or owned businesses in Arizona. None were based in Arizona. Because those companies were publicly traded there were quite a lot of information available via the Securities and Exchange Commission filings. Ace Cash Express states, “ Our gross strategy was to open new stores, franchise stores in new and existing markets, opportunistically acquire stores and interchoose new services into our store network”. If the Council thinks Tucson had a lot of payday lending store fronts right now, just wait a few years. Consolidation was happening at the corporate level and expansion was happening at the local level. That was another reason why it was definitely a local issue.

Ms. Griffith stated they would tell you they were fulfilling a need for consumers by providing access to short term cash. What they were really doing was providing access to long term debts. The predatory nature of these loans creates a spiraling debt trap. The Center for Responsible Lending study found that nationally ninety-nine percent of payday loans go to repeat borrowers. In Tucson and Pima County cumulatively thirty-two percent of the borrowers surveyed by the Center for Responsible Lending needed seven weeks or more to payoff the loan. Fifteen percent of the borrowers indicated using longer than eight weeks to payoff the loan.

In closing Ms. Griffith referred the Council to the *Inside Tucson Business* article in the packets. Payday lenders were bad for business. They were bad for business

because payday lenders would be paid first even if the consumer entered into an obligation with other businesses before getting into a payday loan. This would happen because the lender took a prospective bad check and used it in effect as a super priority lien over secured and unsecured obligations. The payday lenders would get paid even before the groceries. As stated in the article, retailer and other businesses could not continue to see the potential customer swallowed up by these money grabbers. More businesses should avoid locations near them and be left to their blighted, rundown, and mostly vacant strip malls. Thriving shopping centers would not have them and that also spoke to land use.

Penelope Jacks, representing Children's Action Alliance, stated they usually worked on issues like childcare and after school programs. Most of the Council knew her from those kinds of issues. However, she was there to speak of limiting the availability to payday loans and payday loan shops.

Ms. Jacks said about one third of Tucson's children lived in poverty. Tucson was forty fifth in the nation in child well being. Payday loans push families further into poverty. Although the industry tries to give the idea they were interested in middle class earners, in fact, they were interested in the working poor. They were interested in young families. Two thirds of those who take out payday loans were women who were heads of households and it just sends them into a worse spiral of poverty. It hurts their children and their families in a very serious way. They thought this should be a state regulatory issue. They were working at the state legislature to both regulate and ideally eliminate payday loans, but this also needed to be a local concern.

Ms. Jacks stated anything the City could do to limit the number of payday loan establishments and thereby limit the number of people who were just grabbing onto the most vulnerable citizens should be done. She urged the Council to support the ordinance.

Gertie Salazar stated she had been employed by a payday lending company for the past five years. She wanted to enlighten Council a little bit about the customer that comes into their stores and the employees that work with her daily.

Ms. Salazar said it had been reported repeatedly that her customers were uneducated and unable to make financial decisions. It had also been reported that they were single women with children. She wanted to share some facts with Council concerning the payday customer. Eighty-two percent had a high school diploma; fifty two percent have some college or a degree; forty two percent owned their own home; ninety two percent believed a payday advance was a useful service; sixty six percent used advances for unexpected expenses; and ninety six percent said they were aware of the finance charge.

Ms. Salazar stated those facts were published in October 2005 in a report entitled, "Real Solutions for Low Wealth Households". That was presented to the Maryland Credit Union League. She has assisted individuals in military with more than one stripe on their sleeve and noncommissioned officers. She has also helped military personnel

that carried the rank of captain. She has assisted civilian employees from nearby hospitals, x-ray technicians, and nurses. She has assisted engineers from large corporations. Those groups of people had education beyond high school.

Ms. Salazar said she has heard stories of those unexpected expenses. One that came to mind was a young couple bringing in their sick child the day after they had been in emergency room. They were out of money. They had to pay the bill at the emergency room and did not have enough cash to get a prescription filled. She had several similar stories and she said she could go on for hours.

Ms. Salazar said her next point was that in Tucson and the surrounding areas her company currently employed twenty individuals. Five of those were single moms and six were students. Three female managers had a high school diploma with little or no college. Two were single mothers. Their company offered flexible hours so those employees could attend their children's school functions. They had health care and also had retirement plans. They offered competitive salaries to provide for the needs of their families. She was not aware of many companies or industries who were willing to provide individuals advancement. They did, without a college degree. It was a competitive world and she believed they not only offered a great service to the general public by assisting with the little bumps in the road but they also offered a great place for individuals to work and provide for their families.

In closing, Ms. Salazar stated there was a vital need for their industry. Their customers often voiced their awareness and appreciation of the service they offered. Restricting their industry would result in many people losing their livelihood and ability to provide for their families thus increasing the inevitable fear of unemployment. Restricting their industry would also eliminate or greatly decrease price and service competition and not allow consumers to make the best decision for themselves. When you eliminate competition, consumers would be forced to pay a higher price and they would not have the option when they were offered horrible service.

Mayor Walkup asked if anyone else wished to speak. There was no one.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10252 by number and title only.

Ordinance No. 10252 relating to Planning and Zoning; amending certain portions of the Tucson Code, Chapter 23, Land Use Code, Article II, Zones, Division 2, Rural Residential Zones, Division 5, Commercial Zones; Division 6, Mixed Use Zones, and Division 7, Industrial Zones, Article III, Development Regulations, Division 5, Performance Criteria; Article VI, Definitions, Division 2, Listing of Words and Terms, Division 3, Land Use Groups; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, that Ordinance 10252 be passed and adopted and proper action be taken.

Council Member Uhlich commented that she understood the argument made by the owner of one particular shop in town. She thought everyone was increasingly recognizing that it was an industry that, while it was providing employment, it was providing employment and services the community could not afford. She stated everyone needed to remember that all four branches of the military service had issued serious warnings to their own personnel. Regarding the point about *Land Use Code* Council Member Uhlich said the Council needed to be recognized as a body that had used the *Land Use Code* for years now to regulate the location of agencies and organizations that feed the poor. It was high time they regulated those organizations that fed on the poor and she thought that was exactly what was happening.

Vice Mayor Leal stated he was glad they had reached the point where they had the ordinance before them. He was glad to see it was strengthened by having the special use process, built into C-2 and C-3. It was not enough to say professionals and officers had come in and made use of the service and that somehow legitimized how people were treated. The Council had seen that it was opportunism at a higher level than this that destabilized the American economy and shrunk the middle class, which may have created such a need by people for help. That did not legitimate the pernicious opportunism that the industry had subjected those who were vulnerable who had come into their door. That was unethical, it further destabilized the community and that was the reason the Council was considering the ordinance. The Council was protecting our community. It was not restricting free trade, it was restricting opportunism and preying on those in need.

Council Member Scott pointed out for the record that the Planning Commission held a discussion on this issue. It was interesting that they had a split vote of 5 to 4. One of the comments that was worthy of Council's pursuing through Mary Okoye, Intergovernmental Relations, Program Director, would be the usury legislation, which needed reform. They were suggesting it might be the most effective solution to the issue. Another comment made was that nothing in the state legislation currently proposed would correct the problem of those businesses taking advantage of people. That was part of what came from the Commissioners' discussions. She wanted to bring it to the Council's attention and follow through with state legislation.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10252 was declared passed and adopted by a roll call vote of 7 to 0.

**11. TUCSON CODE: AMENDING (CHAPTER 23A) RELATING TO IMPLEMENTATION AND COLLECTION DATE FOR NONRESIDENTIAL DEVELOPMENT IMPACT FEES**

Kathleen S. Detrick, City Clerk, announced Staff had provided two options for the collection of nonresidential impact fees. The title for both options of the ordinance was the same. The one option was the Certificate of Occupancy and the second one was the Building Permit Option.

Mayor Walkup announced City Manager's Communication number 103, dated February 28, 2006, would be received into and made a part of the record. Mayor Walkup announced that he would call on the three members of the audience that wished to speak.

Mary Beth Savel of Lewis and Roca, representing Bourn Partners, stated she was fortunate to be invited by Mayor, Council and staff to participate in the original group of stakeholders who gave input on the adoption of the impact fee ordinance several years ago. She represented various commercial developers in that process and they worked with Mayor, Council, and staff for about six to eight months with the original round of adoption. When the issue came back, she contacted staff and volunteered to be a part of the process again. She thanked the City Attorney's Office and Development Services for inviting her to participate in the process.

Ms. Savel said she attended a meeting with staff on February 9, 2006 where she reviewed a draft of the ordinance. Based upon her clients instructions, Bourn Partners was in support of the change in the implementation of impact fees for non-residential uses. They reviewed the two options and gave input about timing of the certificates of occupancy verses building permits in a practicable perspective in development.

Ms. Savel said she had not realized that a part of the process recommended in the staff report was an exception for pending projects. Someone who had a project in the pipeline, already working toward completion, needed to have a development plan submitted to Development Services on or before April 1, 2006. They must have that development plan moved through the Development Services' administrative review process to be approved on or before October 2, 2006. They felt it was a reasonable time frame and she said it took about six months for a development plan to get through the process. What was not in the draft that she reviewed was the provision, which was noted on the bottom of the Mayor and Council Communication that stated that a certificate of occupancy had to be obtained for these projects that met the April 1 and October 2 deadlines and that certificate of occupancy had to be obtained before January 16, 2008.

Ms. Savel stated the reason the deadline was a problem for her clients at Bourn Partners, was that a certificate of occupancy meant the building was completed. The problem was that a project in the pipeline to get a development plan approved by October of 2006, still had to go through the construction plan, design, and engineering and then all of the site development process. Permits were needed for clearing, for the insulation of the infrastructure, for the pouring of the slab, and then for the construction of the



building. The timing made it virtually impossible for them to get their building built and have a certificate of occupancy by January 16, 2008.

Ms. Savel apologized for the late notice for their input, but they did not realize the deadline was in the Communication until she read it on the City's web site in the past week. They proposed that for projects already in process, rather than having a certificate of occupancy by January 16, 2008, they would have a building permit for a structure on the site by January 16, 2008. To have a certificate of occupancy by that deadline would be very difficult for most of the larger commercial projects.

Paul Schloss, representing Bourn Partners, said he was happy to say that for the last two years, his company, his associates, and many members of the development community worked with staff in terms of the impact fees, developing the ordinance, the process, and the standards. On behalf of his company, they were in support of the principle of collecting and assessing impact fees to build community infrastructure. They were also in support of the modifications, but with the qualifications addressed by Ms. Savel.

Mr. Schloss pointed out in the context of a residential and commercial development; every cost along the way adjusted and raised the cost basis. Ultimately, it would affect the purchase price. Mr. Schloss stated the difference in commercial would be that in going in, they have to underwrite all of their costs, project them, define them, and use it for financing both in terms of debt and raising equity. He said it was important in a city like Tucson to appreciate that every time something is built in the community, it was an investment. It produced construction sales taxes, permit fees, property taxes, and employment for the construction trade. It also would add to the tax base. More importantly, he said they had underwritten what their rent structure would be. The rent would be set even before construction.

Mr. Schloss continued stating that when a substantial price increase was added, like an impact fee, it needed to be laid in early, not late. He and his partners had a project they have been working on at Oracle Road and Wetmore where they were hoping to begin construction next year. He said the leases and transactions they had been negotiating did not anticipate the impact fees. The reality was that they probably could not get a certificate of occupancy on that project by the prescribed date. They did submit a preliminary development plan to satisfy the April 1, 2006 deadline and they had their Community Design Review Committee review completed last week. Mr. Schloss said they would make their best effort to be complete by October, but the reality was that they did not know if they could meet the deadline in the time allotted.

Mr. Schloss urged the Mayor and Council to go forward with the modification to the impact fee ordinance, but permit those projects already in process to get through without extracting that tax. He was afraid that they probably would need to step back and re-engineer, and perhaps delay the project so they could figure out how to absorb the impact fees. The net effect for the City would be that they might not pull their permit. They might not pay construction sales tax. They might not employ the contractors or

provide employment for the construction of the project for a year or two later. That certainly would have a consequence on City revenues and he was not sure if the City would be better off collecting the impact fees a year or two later if this was implemented as a certificate of occupancy issue as compared to a building permit.

Mayor Walkup asked if the Council could engage in conversation with these speakers and ask questions in regard to the impact fee ordinance.

Michael Rankin, City Attorney, responded that the Mayor could make that decision as Chair.

Mayor Walkup asked Council if they had any questions for Mary Beth Savel or Paul Schloss before he called upon the next speaker, Doug Wright.

Vice Mayor Leal commented on Paul Schloss' comments. He asked staff if the ordinance was changed, would it change what the Council would be doing or would it deter what was being done. He wanted to take care of the fiduciary responsibility to the taxpayers but also be fair to commercial development.

Mr. Rankin stated the scenario Ms. Savel described was one of the reasons staff provided two options with the ordinance, the certificate of occupancy and the building permit option. The current ordinance provided that for non-residential fees the fee was assessed and collected at the time the certificate of occupancy was obtained.

Mr. Rankin said they presented as an option changing the method of collection to the time of building permit. This would create a provision for the scenario being described, where there is a shell building constructed and then later tenant improvements are made when the uses are determined. Staff tried to find a means of relief for the builders. If the building permit was obtained by the January 2008 date and approved by the time frames mentioned in the ordinance, then they would not be subject to the fee.

Mr. Rankin said he thought the relief being asked for now was for those projects that received approval in 2006 and that got the shell permit in January 2008, but that would not yet be able to receive the individual tenant improvement permits. They would be paying the whole fee. As a proposal, the Council could provide them relief by going forward with the building permit option instead of the certificate of occupancy option and add language to Subsection F on page two of the proposed ordinance. Subsection 23A-86(2)(b), the full fee provision, would not apply where the shell building permit would be pulled prior to January 16, 2008. If that was the Council's direction, staff would accommodate, and Mr. Rankin felt that might satisfy the concerns raised.

Mr. Leal asked for Paul Schloss to comment. Mr. Schloss agreed with Mr. Rankin but stated the applicability would be triggered based on whether a building permit, would be issued on or before January 16, 2008.

Mr. Rankin agreed with Mr. Schloss, but added the other time frames would still apply.

Paul Schloss said he wanted to make sure he understood that if a developer had not submitted by April 1, then it would be applicable to them. If developers had not gotten the permit by October 2, 2006 it would be applicable to them. If one had not gotten a permit it would be applicable. There were three different triggers, and if all three were satisfied, then the exemption should apply.

Vice Mayor Leal commented that the discussion was helpful and informed him of what he would like to see happen.

Mayor Walkup stated he would give other Council Members a chance to speak but first he wanted to hear the last speaker, Doug Wright.

Doug G. Wright, president of Commercial Investors Realty, stated he would like to see quality development in Tucson. He represented Lester Paul Robb who was trying to develop thirty thousand plus square foot building on two lots of three acres out at Twenty Second Street and Camino Seco. They had been working on the project for some time. The time range might preclude a development like that from occurring because they would be close to the April 1, 2006 time frame with the site plan approval and the other trigger dates that had been mentioned earlier.

Mr. Wright asked Mayor and Council to consider extending the time frame because it was short notice. Mr. Wright concurred with Ms. Savel and Mr. Schloss regarding the impact fees being a necessary part of the infrastructure cost of doing a project in Tucson. He asked the Council for the same consideration, otherwise he would support the Council moving forward with impact fees as addressed.

Council Member Trasoff stated she appreciated the positive comments about moving forward with the impact fees. She also appreciated the responsibility of the development community in understanding the need for the community. She said she understood that in doing the exceptions the Council was trying to be sensitive to those projects in the pipeline. She asked how many projects were in the same situation near the Tucson Mall.

Paul Schloss answered that he used his project as an example. For any large scale project, it would be a mad dash to try to even get a permit within fifteen months from October 2, 2006 to January 16, 2008. It would be a challenge to complete with a fourteen to fifteen month window. Smaller projects would be less challenging, but it would still be a full time project.

Council Member Trasoff said her major concern was what would protect the City from not being taken advantage of by having people pull their permits and then wait for five years. She referred to the incident Council Member West mentioned, which dated back to 1978.

Mr. Schloss said he and his partners spoke about that very issue in the event the question was asked. He did not know how to legally do it, but suggested that the Council attach the obligation, for the exemption to work, that they get a certificate of occupancy within twelve months.

Mike Hein, City Manager, asked Ernie Duarte to explain how long building permits were good for.

Ernie Duarte, Director of Development Services, said a building permit was good for one hundred and eighty days and it would be subject to one renewal. In essence, building permits would be good for another year. If it expired, it would be subject to any rules and regulations in place after that one-year period.

Council Member Trasoff asked if something should be put into the wording to make sure people were not able to take advantage of the City.

Mr. Rankin commented that they could include in the language a reference to the triggering mechanism being an issuance of a building permit for the shell building prior to January 16, 2008. The tenant improvement permit must be obtained before it expired. If the building permit expires one would lose the protection.

Council Member Trasoff asked the Council if they should include language which would not allow for the possibility of extension.

Mr. Rankin replied there would be no need to do that. There were provisions in the *Tucson Code* as to what justified the extension of the building permit. He advised Council not to tie building official's hands in that way. That was a minority of the types of developments the City was dealing with.

Council Member Trasoff stated she was comfortable with that. Her concern had been for the possibility of abuse of the system.

Mayor Walkup stated that the Council should continue the conversation and asked that everyone be sure they understood what Council would be doing.

Council Member Scott commented she heard from the development community that when they were taking on large projects, they based their development on conceptual plans and when a structure was put in place they still may not have an occupant.

Council Member Scott asked if Council should consider other ways such as having a developer pay fifty percent at the time of applying for a building permit and fifty percent at the time of applying for a certificate of occupancy. There were a lot of buildings and large structures or pads on a lot that were sometimes sold or leased. As a result, they had conceptual thoughts on a piece of property that did not have secured occupants in line, ready to defray the costs. She gave as an example a grocery store at

River and La Cholla, which was currently leasing, not purchasing, and said they could walk out tomorrow.

Council Member West stated she was surprised to hear people speaking in favor of the building permit option. Most developers she had spoken to were in favor of moving the fees up but they had indicated they preferred the certificate of occupancy option. She said she did not feel prepared to vote on the issue. She heard good ideas but suggested delaying for one week to take time to work through some things. She understood that Council Members Trasoff and Uhlich had brought the issue to Council and thought the ordinance was good, but now there were issues.

Council Member West said she did not know how it worked and asked if someone paid for a permit and decided not to build, would the City refund the fee. She did not know the answer and felt Council should delay the issue for a week. She stated Council Member Scott mentioned a fifty-fifty payment and did not feel Council had enough expertise to come up with a plan that evening.

Council Member Uhlich said she wanted to be sure she had a clear idea of what the issues were. The first was a timetable for the exceptions for the projects in the pipeline and she noticed the Council agreed with the January 2008 date for the building permit, not certificate of occupancy. That was one issue the Council needed to address. The second issue would be when the fees would actually be assessed and collected. When talking about building permit options the Council needed to make it clear. There were two issues on the table and she asked if the Council should deal with them with separate motions. That may help to avoid any confusion when talking about the building permit option. She did not know when Mayor Walkup would be asking for a motion, but pointed out that there were two issues at hand.

Mayor Walkup asked the City Attorney to give the Council guidance. If there were risks in developing either one or two motions, then he would agree that the item needed to be put aside and clarified until they were comfortable with it.

Mr. Rankin replied that if the Council wanted direction from staff, a reasonable path at this point would be to go with the building permit option of the ordinance that was presented. He felt that was clear. He said there was language worked out to address the concern about the shell building, followed by the tenant improvements, with the final building permits or certificate of occupancy to be obtained not later than twelve months from that time. He suggested that the Council direct staff to come back with the building permit option, including that language to provide the exemption as described, so everyone would know what the language was. He told the Council they would not have to schedule it for a public hearing. The ordinance, if and when adopted, would have the ninety-day effective date, but that was still okay in terms of the time frames being implemented.

Mr. Rankin advised the Council to make their intentions clear that the exemptions would only apply to those who got their plans in as described, so everyone would be on

fair notice that there was not an intention to change that timeframe - submittal by April and approval by October. Mr. Rankin said they would then bring it back to the next meeting and he thought that they would be okay.

Council Member Uhlich asked Mr. Rankin if he meant the timeline for the exceptions when he spoke about “building permit options.” She said the reason there was confusion was that he also laid out building permit option for payment. They needed to be clear that what Mr. Rankin was talking about was clarifying the timeline for the exceptions. Still in discussion the following week would be whether they were assessing and collecting at building permit or certificate of occupancy. She asked Mr. Rankin if that was correct.

Mr. Rankin replied it was much easier from an administration standpoint and everybody understood that the collection and assessment triggering event be the same, so building permits made more sense. By building permit option, he was referring to the ordinance attached and labeled “Building Permit Option”, where fees would be imposed and assessed at the time of the building permit and the triggering event for the exemption would also be triggered by the building permits.

Council Member Scott asked Mr. Rankin if it was possible to split the collection of the impact fee between building permit and certificate of occupancy, because there was a distance in time.

Mr. Rankin replied that they could, if that was the direction of the Council; but he was happy he was not administering that.

Council Member Scott continued there were so many buildings that were put up and then the certificate of occupancy did not come for many years. To collect on the building up front and then to have to wait for that person or company to occupy the space, that is what she was trying to address, from the other side of the fence. From the City taxpayers’ point of view, they wanted to have something in hand to assure that something would follow and would not be holding all of the cost on the City’s side until there was a certificate of occupancy issued. Council Member Scott stated there were some cases where there were a lot of years that went by from start to finish, which was why she was pursuing that.

Council Member Trasoff clarified that the Council’s actions on January 4, 2006, after the public hearing, was not formal passing of the ordinance, but merely asking staff to bring it back for clarification on those things. Her concern in delaying this was that the ordinance was not in effect that they want to have in effect. The adoption of the ordinance was on the agenda for that reason. She said the question was really the issue of whether they should make two separate motions to modify the ordinance. One motion would be that for those they were providing an exception to, the exception would be if the building permit is drawn by the January 16, 2008 deadline and would only last for that building permit. That would give them one hundred eighty or a maximum of three hundred sixty days. That would be one motion. The second motion then would be for

the general ordinance, not for the exceptions, whether they paid their fee at certificate of occupancy or whether they paid it at the time of the building permit.

It was moved by Council Member Trasoff, and duly seconded, to divide it into two motions. The first would be that the ordinance be amended in terms of the timetable for those exceptions to be granted for those who had pulled building permits by January 16, 2008, with the understanding that it was only for the term of that building permit.

Council Member West asked the Council to wait until the following week, so the Council could see what they were dealing with. She commented that waiting one week was not going to break the bank for anyone, including the City. She said she might have to vote against the ordinance for that reason. She wanted the City Attorney to bring something back to the Council. She was not prepared to vote on the ordinance that evening because of the public hearing testimony presented.

Substitute motion was made by Council Member West, duly seconded, to postpone the item for one week and have the City Attorney bring the ordinance back to the Council for consideration.

Council Member Scott stated she would second the substitute motion for purposes of discussion. She stated that although there might be a consensus on the one, she was not sure there was a consensus on the second. She was in favor of voting on the whole motion the following week.

Council Member Uhlich stated it was a bit confusing because they were being directly responsive to the feedback they were hearing at the public hearing, which was to change it from certificate of occupancy to building permits. She was concerned that they be responsive to the development community on this issue. She understood there was another issue, but on this issue she felt there was some agreement and urged the Council to move that forward rather than revisiting and rehashing.

Mayor Walkup reminded the Council and those in attendance that it was not a public hearing. It was merely a discussion at which they have allowed some important people to provide their input.

Vice Mayor Leal said that when issues were raised from the public and they engaged staff, staff was not dubious or apprehensive. Their thoughts and language were fairly secure and confident. He felt the Council was given the comfort level to move forward with this part of the impact fee mechanism, which was discussed. He did not feel it was dubious or that there were unforeseen things. He was comfortable in dealing with the other issue separately. He felt the Council should move forward on the motion as Council Member Trasoff crafted, as it took into consideration what the Council had heard. He felt the Council should move forward.

Mayor Walkup stated he would have a roll call on the substitute motion to delay the item for a week.

Upon roll call, the results were:

Aye: Council Members West and Scott

Nay: Council Members Ibarra, Uhlich, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

The substitute motion to delay the item for a week failed by a roll call vote of 5 to 2.

Kathleen S. Detrick, City Clerk, asked for clarification on the precise language of the original motion.

Council Member Trasoff clarified her motion for the record. Her motion was that the exception clause within the impact fee ordinance be modified, so that those developments that qualified according to the three specifics laid out, the third specific be modified to read “instead of certificate of occupancy on January 16, 2008”, it would be “building permits pulled by January 16, 2008”, and that the exception would last only for the life of that particular permit.

Ms. Detrick asked Mr. Rankin if he was comfortable with that language.

Mr. Rankin provided the following language, which he felt captured what was being proposed. If adopted, the amendment to either option, and he noted the Council had not decided which option of the ordinance they were going with, but as far as the exception, they would renumber the existing ‘f’, so that the paragraph the Council already had would be numbered (f)(1). Then there would be a new (f)(2), which would provide “Subsection 23A-86(2)(b), shall not apply where the square footage to be constructed is based on a new or amended development plan that was accepted for submittal by Development Services Department prior to April 1, 2006, approved by October 1, 2006, which was not expired as provided in the *Land Use Code* Section 5.3.8.2; and where the permit for the shell building is obtained by January 16, 2008 and the certificate of occupancy has been obtained not less than one year after that date.

Council Member Ibarra asked for clarification that what the Council was asking for was for someone who pulled a permit, all that would be required would be for them to pull the permit by January 16, 2008 and that was what was being asked for.

Council Member Ibarra said he felt that when they first started the discussions, the issue was certificate of occupancy. He felt they were just moving to giving more time. If that was the case, then he asked why they just did not go back to what the previous Council had. He questioned that instead of saying certificate of occupancy, they would be doing a building permit.



Council Member Uhlich said she appreciated the concern that they just did not want to have a new ordinance that would shift back to the original timeframe. She said the Council needed to remember it would only be for projects that were submitted by April 1, 2006 and were approved by October 1, 2006; and had their building permit by the deadline. Failure on any one of those triggers would mean the exception would be gone. She felt that was rigorous and fair, and responsive also to the investors in the development community.

Ms. Detrick read the motion for clarification. It was a proposed amendment to either version of the ordinance, which would add a new section (f)(2), Section 23A-86(2)(f)(2) that would be added. Ms. Detrick stated 'f' would remain as it presently was, but would be renumbered to (f)(1). The (f)(2) would be as Mr. Rankin read into the record. She asked if that was everyone's understanding.

Mr. Rankin added it was also his understanding that if ultimately the Council agreed with what he had been calling the building permit option as opposed to the certificate of occupancy option in terms of when the fee is assessed, then the language he read, instead of saying certificate of occupancy obtained within twelve months, would say tenant improvement permit obtained within twelve months.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote on the original motion.

Upon roll call, the results were:

Aye: Council Members Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: Council Members Ibarra and West

Original motion that either option of the Ordinance be amended to renumber the existing 'f' to (f)(1), and add (f)(2) language, carried by a roll call vote of 5 to 2.

Council Member Scott clarified that was the exception only part of the ordinance. That still left them with the other piece of the ordinance, she felt should be refined a bit more. She suggested waiting one more week on that part of the ordinance.

Mayor Walkup said he was obligated to ask her to make that as a motion.

Council Member Scott commented she was one of the first ones to ask for impact fees. She said the development community was very much in favor of impact fees. They worked hard and long with the City staff and they put in a lot of effort into this issue. She said there they were at the last minute. She had concerns on both sides of the table and that was why she suggested the fifty/fifty split to accommodate a compromise. She really wanted to move forward on impact fees, because she was one of the ones who

brought it forward to the Council. She thought she was being put in the position of writing on the fly and asked if that was what they would be doing.

Mr. Rankin said it would depend on what the Council decided.

Mayor Walkup asked Council Member Trasoff to put together a motion to see if they understood this. They would do this in discussion, to make sure they knew whether or not they were prepared to go with it.

Council Member Trasoff said as she understood it, they had two options before them in passing the ordinance. It was unrelated to the exceptions. It was for the general rule of how and when impact fees would be collected. She said she was not comfortable with the fifty/fifty option. She understood the thought behind it, but thought the Council should decide whether it would be the building permit or certificate of occupancy option.

Council Member Trasoff stated the building community she had spoken with had expressed support for the certificate of occupancy as the time to collect the fee. She commented that staff, as she understood it, did not have strong feelings either way and asked if that was a correct representation.

Mr. Duarte responded they would be glad to implement whatever the Council desired.

Council Member Trasoff said she realized that, but asked if there would be a great impact on the City if they waited until certificate of occupancy as opposed to building permit.

Vice Mayor Leal stated his sense of it was that some people in the development community would argue that they would rather pay at the time of certificate of occupancy, because they did not want to pay a fee on something that did not exist. That was understandable, but the City at the same time was also doing construction. Not a construction of a commercial building, but doing infrastructure out in the community in preparation and anticipation of the commercial development that was occurring. If the permit fee was collected at the time of certificate of occupancy, then the general fund would have to front it. That meant that the capital improvement budget would be diluted geographically and it would hamstring the City. He felt the fee should be collected at the time of building permit.

It was moved by Council Member Trasoff, duly seconded, that the amended version of Ordinance 10256, utilizing the building permit option and with the amendments, be passed and adopted and the proper action taken.

Vice Mayor Leal commented that with the last motion they erred to help the development community and with the second motion they erred on the side of their fiduciary responsibilities.

Council Member West said she felt they were getting themselves in deeper and deeper without knowing where they were going. She commented that Council Member

Trasoff stated earlier that she felt the certificate of occupancy was the best option and now she was moving to go with the building permit option. She urged the Council to wait one week and asked what the harm was in waiting one week.

Council Member Trasoff responded she felt they had this item before them for quite a while and commented, with due respect, that she did not say she preferred the certificate of occupancy option. She said that from several developers she had spoken with, they preferred the certificate of occupancy option. She felt the building permit option was the most consistent and the better way to go. She said she agreed with her colleagues comments that they have tried to be sensitive to the building community needs in the exception process and believed it was in the City's best interest to go with the building permit option.

Council Member West stated that some members on the Council had been for impact fees since 1999 and Council Member Trasoff had been thinking of a very short time frame. She hoped that the Council would not have to repent at leisure on this.

Council Member Trasoff restated her motion.

Mayor Walkup asked the City Clerk to read Ordinance 10256 by number and title only.

Ordinance No. 10256, relating to Development Impact Fees; repealing Ordinance 10095 and amending Article III, Impact Fees, Division 2, Fee Calculation, Section 23A-86, Assessment and Payment of Fees in order to re-establish the effective dates for nonresidential impact fees and to provide a phase in period for pending projects; and amending Article IV, Definitions, Division 2, List of Words and Terms, Section 23A-129, Definitions-S of Chapter 23A, Development Compliance Code, the Tucson Code; establishing an effective date and declaring an emergency.

Ms. Detrick added the motion was to adopt the building permit option, with the amendment previously approved by the Mayor and Council.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10256, as amended utilizing the building permit option, was declared passed and adopted by a roll call vote of 7 to 0.

**12. TUCSON CODE: AMENDING (CHAPTER 7), RELATING TO THE REGULATION OF SCRAP METAL AND SECONDHAND DEALERS**

Mayor Walkup announced City Manager's Communication number 101, dated February 28, 2006, would be received into and made a part of the record. Mayor Walkup asked the City Clerk to read Ordinance 10254 by number and title only.

Ordinance No. 10254 relating to Pawnbrokers, Secondhand Dealers and Junk Dealers; amending title of Chapter 7, Article V of the Tucson Code to refer to Scrap Metal Dealers; amending definitions; providing for regulation and reporting of scrap metal transactions; amending duty to report receipt of specified items to police; amending prohibited acts; and providing grounds for denial and revocation of license; by amending Chapter 7, Article V, Sections 7-97, 7-98, 7-99, 7-102 and 7-103; adding new Sections 7-115 and 7-116; establishing an effective date and declaring an emergency.

Mayor Walkup announced that there would be a staff presentation and that someone asked to speak on this item.

Mike Rankin, City Attorney, stated the write-up described the various amendments in the proposed ordinance. It had been discussed previously at Mayor and Council Study Session and staff had returned with an ordinance per their direction. Staff put a provision into the ordinance, which was left blank in respect to the effective date because there had been discussion at Study Session with regard to having the ordinance immediately effective or allowing some time to educate the affected businesses. The ordinance also had an emergency clause if Council wanted the ordinance to be effective immediately.

Mayor Walkup called on Brian Toms to speak.

Brian Toms, Borderland Construction Company Safety Director, stated since the first of January, Borderland Construction had been hit at three different job sites in various locations in Tucson. Thieves had come in and stolen copper tubing, which was to be used for the water lines in the subdivisions they were in the process of building. Thieves had also taken about four thousand feet of Tucson Electric Power underground cable. They had pulled the cable completely out of the sleeve. The cost of supplying and reinstalling the copper tubing had cost Borderland Construction over twenty thousand dollars since the first of January.

Mr. Toms said he understood the amendment would require scrap dealers to require photo identification and a license plate number from the vehicle. Borderland Construction was in favor of the ordinance, as he felt it would stop the thieves from going to the scrap dealers to try to sell it if they had to show identification. If the word got out among those people it may reduce the possibility of theft at the work sites. The majority of the people stealing from them were methamphetamine and cocaine users. He urged the Council to approve the amendment. In regards to the date to implement, on behalf of Borderland Construction and himself, he felt time would be needed to educate the scrap

dealers as to what would be required. He suggested a thirty-day education process to get the word out to the public.

Vice Mayor Leal commented that people who watched study session earlier and the presentation regarding methamphetamine issue, it was a pivotal part of the Council getting a hold of the issue. Hearing from the representative of Borderland Construction reinforced the issue and said the Council should move forward with it. He did not think it would take more than thirty days to educate the scrap metal dealers.

It was moved by Vice Mayor Leal, duly seconded, to pass and adopt Ordinance 10254, with a thirty-day period for an educational effort for the scrap dealers, enabling them to move forward and better protect the community.

Kathleen S. Detrick, City Clerk, clarified that the Council wanted March 31, 2006 as the effective date.

Council Member Scott asked Mr. Rankin if he had any additional information.

Mr. Rankin stated representatives from the Tucson Police Department advised him that the dealers in question were well aware that the ordinance was on the way. Per the Council's previous direction, police and staff have made contact with the scrap dealers and he was assured they would be ready to go in terms of enforcement. If Council wanted to make the ordinance effective immediately, as with other recent ordinances, the initial enforcement would be in terms of making sure dealers were in compliance as opposed to citing. They were ready to go.

Mayor and Council agreed to change the ordinance to read effective immediately.

Ms. Detrick stated she would delete Section 9 of the ordinance, which was on page 7. She would then renumber Section 10 to be Section 9.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10254, as amended was declared passed and adopted by a roll call vote of 7 to 0.

### **13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's Communication number 88, dated February 28, 2006, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0 to appoint Thomas A. Heaney, and re-appoint J.L. "Pepe" Mendoza and Herbert Rogers to the Veterans' Affairs Committee; re-appoint A. Michael Hutchins to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues; and appoint Neil Hejny to the Technology Policy Advisory Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Trasoff announced her appointments of Michael C. Elsner to the Citizens' Police Advisory Review Board; Marty Higbee and Ray Cusak to the Tucson Rodeo Grounds/Parade Citizens' Oversight Committee; Jeff Stanley to the Stormwater Advisory Committee; Cindy Jordan to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues Commission; Elizabeth Przygoda to the Planning Commission; re-appointed Joseph Maher, Jr. to the Citizens' Transportation Advisory Committee; and appointed Jeff DiGregorio, Gayle Hartman and John Richards to the Rio Nuevo Citizens' Advisory Committee.

Council Member Scott appointed Margie Howell to the Community Development Advisory Committee.

Council Member Uhlich announced her appointments of John Fleming, to the Bicycle Advisory Committee; Debra Brown as the Youth appointment for Ward III to the Community Development Advisory Committee; Josephine King to the Tucson/Pima County Women's' Commission; re-appointed Michael Crawford to the Tucson Convention Center Advisory Committee; appointed James Edward Ayers to the Citizens Sign Code Commission, and Lauren Clark to the Board of Adjustment.

**14. ADJOURNMENT 8:33 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 7, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 28th day of February 2006, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:kad/sac